

cancies. I cannot therefore vote to strike out the word "appointment," whatever my views may be with regard to the best system to adopt.

The PRESIDENT. It is to test the sense of the convention.

Mr. STIRLING. It will test it wrongly then, if it leads us to strike out what ought to be in there.

Mr. THRUSTON. I only withdrew my amendment temporarily. I shall renew it afterwards.

Mr. RIDGELY. I do not see the slightest necessity for the amendment suggested by the gentleman from Baltimore city (Mr. Stirling.) There is a special section which provides for the case of death, resignation and removal from office, which meets that difficulty. Here the word first occurs, and this is the appropriate place, it strikes me, in which the sense of the house ought to be tested.

Mr. CHAMBERS. I have but a word to say. I have heretofore expressed at large my views upon the subject. I have not altered any opinion I entertained since the convention of 1851. But I may be permitted to say that what I considered then as probable, all the mischiefs I foresaw have not only been realized but have been experienced to an extent far beyond my anticipation at that time. I hold, as I always have held, since I have had any intelligence upon the subject, that the tenure for life or for good behavior, and the system of appointment are both important, and the former I deem still more important than the latter.

I merely mean now to have my opinion recorded as not only unchanged, but confirmed. All the experience I have had is that you have lessened the character of the judiciary; and I was going to say, you have abolished the respect to the organs of the law, which those organs have in former times universally experienced at the hands of the people. But upon my opinion I do not deem it necessary now to enlarge, or the reasons for it. I understand that opinions have been formed.

But I rise now for the purpose of suggesting the fact that this proposal is out of time. There are persons upon this floor who will advocate the appointment of a portion of the judiciary, and the election of another portion of it. I shall vote that way. I now believe that a majority of this body will certainly adopt a system of appointment, so far as the judges of the court of appeals are concerned. The idea of giving to the men in a distant part of the State the appointment of a judge of the court of appeals, whose sole authority is to decide questions of law; the idea of giving to the man who lives at the remotest distance in the State, whose habits have never claimed the exercise of one moment's reflection upon the qualifications necessary for a judge of the court of appeals,

who perhaps may not know how many judges sit there, or whether there is such a court at all; the idea of calling upon such a man to elect a judge to the highest judicial tribunal of the State, is one which I hope will not be considered proper.

If you undertake to decide the question of the election of the judiciary as an abstract question, and preferable to their appointment, you embarrass those who intend to make this distinction. I suggest, therefore, that this is a merely verbal alteration. Undoubtedly if the house shall at a future time decide that the court of appeals shall be appointed, and that the circuit judges shall be elected, nobody will hesitate to turn back to this section and add the necessary words to meet that state of the case. The gentleman from Baltimore will therefore perceive that he has been in great haste to make this change, because there is not now the slightest necessity for it. There is not a man here, certainly, but his opinions upon this question what they may, who would for a moment hesitate, if the house should decide that the court of appeals shall be appointed and the circuit judges elected, to say it is right to make the change in this section necessary to conform to that decision.

Mr. SANDS. I do not purpose now to argue the comparative merits of the two systems, appointive and elective. I should not have risen at all had I not some days ago intimated that I might perhaps as a member of the judiciary committee, submit a minority report. Circumstances induced me to alter my mind with regard to that matter, believing that I could attain any ends I might have in view as well by amendments of section after section, as the judiciary report shall be read, as by a minority report.

There have of course to my mind, as well as to the minds of other gentlemen, been reasons suggested for and against both systems. I know that the judiciary power of our system of government is perhaps the most important branch of the government; because it does not matter what laws you have upon your statute book, if your judiciary misinterprets or misconstrues them. We are all satisfied of the necessity of wise, learned and impartial judges. The question of course with us all is how best to obtain them. How shall we best obtain the man for the place?

Although the remark of my friend from Baltimore city who has addressed the convention might at first strike the ear as not containing the truth of the matter, that the people of the judicial district or circuit were better qualified to judge of the man as to his moral character, and as to his legal learning, than the governor of the State, although it may have seemed to have little weight or truth in it; yet reflect: you are to have a man to occupy the bench of one of your circuits. He is either to be chosen by the people or by